

(Name)

LEROY WILLIS JR 7770645 FILED

(Address)

1173 FRONT ST SD, CA 92101

(City, State, Zip)

(CDC Inmate No.)

BOOKING # 7770645

2008 MAY 9 PM 2:24

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIABY Rm DEPUTY

2254	1983
FILING FEE PAID	
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Printed

United States District Court  
Southern District of California

(Enter full name of plaintiff in this action.)

LEROY WILLIS JR Plaintiff  
VS.

08 CV 0844 JAH JMA

Civil Case No.

(To be supplied by Court Clerk)

Complaint Under the  
Civil Rights Act  
42 U.S.C. § 1983

(Enter full name of each defendant in this action.)

W-BILL KOLLENDER CHIEF DEFENDER  
RICHARD LIEKWEG ET, AL  
UCSD HEALTH CARE CMODEPUTY ANDERSON ET, AL  
DEPUTY KATRA

## A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1333(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

## B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff,

LEROY WILLIS JR.  
(print Plaintiff's name)

1173 FRONT ST SD, CA 92101

(mailing address or place of confinement)

, were violated by the actions

of the below named individuals. The actions were directed against Plaintiff at

200 WEST ARBOR DRIVE SD, CA 92103 on (dates)

UCSD and

(institution/place where violation occurred)

2-18-02 (Count 1) 3-16-08 (Count 2) 4-16-08 (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)COUNTY OF SAN DIEGO CLAIMS  
2-20-08

(CHIEF)

Defendant

(name)

WB Kollender

resides in

PO BOX 939062

(County of residence)

SD, CA 92193

and is employed as a

ET, AL

(defendant's position/title (if any))

This defendant is sued in

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was actingunder color of law: EXCESSIVE FORCE VIOLATES EIGHT  
AMENDMENT OF U.S. CONSTITUTION

(CMO)

Defendant

(name)

RICHARD LIEKWEG

resides in 200 W. ARBOR

(County of residence)

ET, AL

DR. SD CA 92103

and is employed as a

(defendant's position/title (if any))

This defendant is sued in

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was actingunder color of law: EXCESSIVE FORCE VIOLATES  
EIGHT AMENDMENT OF U.S. CONSTITUTION

Defendant

(name)

D-Anderson

resides in P.O BOX 939062

(County of residence)

SD CA 92193

and is employed as a

(defendant's position/title (if any))

This defendant is sued in

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: DEPUTY Anderson

EXCESSIVE FORCE VIOLATES U.S.  
CONSTITUTION

Defendant

(name)

D-KATRA

resides in P.O BOX 939062

(County of residence)

SD CA 92193

and is employed as a

(defendant's position/title (if any))

This defendant is sued in

his/her  individual  official capacity. (Check one or both.) Explain how this defendant was actingunder color of law: DEPUTY KATRA EXCESSIVE  
FORCE VIOLATES EIGHT AMENDMENT  
OF U. S. CONSTITUTION

NOTE

ALL ABOVE VIOLATED EIGHT AMENDMENT  
Under CRUEL AND UNUSUAL PUNISHMENT  
BY EXCESSIVE FORCE AND A DELIBERATE  
IN DIFFERENCE TO A SERIOUS MEDICAL NEED.

WB Kollender UCSD-CMO ET, AL

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated:

**EXCESSIVE FORCE IS A  
EIGHTAMENDMENT VIOLATION** (E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)  
**IN DIFFERENCE TO A SERIOUS MEDICAL NEED = CRUEL AND UNUSUAL PUNISHMENT ALSO**  
Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

(DEPUTY ROLEN) CHANGED SHIFTS ON  
AND DEPUTY  
(JENNINGS) 2-18-02 UCSD  
HILLCREST SD.CA  
CARDIAC FLOOR

WITH TWO YOUNG DEPUTYS (KATRA) ANDERSON  
IN THE MORNING AM. NURSESCORD HAD  
BEEN PLACED ON CHAIR DUE TO SNOREING  
BY MR WILLIS. DEPUTY ROLEN'S FEIT HE COULD  
NOT HEAR TV CLEAR SPEAKER FOR TV'S ON NURSES  
CORD SO IT WAS REMOVED FROM MY BED.

A NURSE ENTERED ROOM AFTER SHIFT CHANGED  
A CALLED INMATE in BED next TO me BY  
my NAME LEROY WILLIS JR BECAUSE HE HAD  
OWN INCORRECT WRIST BAND. WHEN I  
ASKED NURSE WHAT WAS GOING ON SHE RAN  
OUT OF ROOM WHEN I REACHED FOR my  
NURSE CORD WHILE LAYING ON my BACK  
FEET AND RIGHT HAND CHAINED

Count 2: The following civil right has been violated:

## EXCESSIVE FORCE

**CRUEL AND UNUSUAL PUNISHMENT AND DELIBERATE**

(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

**INDIFFERENCE TO A SERIOUS MEDICAL NEED DOES ALSO.**

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.]

→ OVER TO BED DEPUTY - Anderson  
SNATCHED CORD. He leaped  
up from His CHAIR LOCATED  
AT THE END OF UCSD  
HOSPITAL BED AND SNATCHED  
CORD from SOCKET. Deputy  
KATRA leaped up and STARTED  
TO CHOKE ME. OYE A SCREAMING  
SHUT UP I HAD BREATHING NOZZLE  
IN MY NOSE. NEXT THING I KNOW  
KATRA THROWING MY HEAD BACK AND  
FOURTH ON BED THEN THERE'S A BLOW THROWN MY LEFT  
EYE IS. FRACTURED FROM PUNCH THROWN BY  
ANDERSON ALL BEHIND CMO RICHARD LIEKWEI  
HOSPITAL UCSD MIX UP WITH ID MEDICAL  
BAND AND THERE FAILURE TO INSTRUCT  
DEPUTY WHO CHANGED SHIFTS ON 2-18-02

Count 3: The following civil right has been violated:

## SEE MEDICAL

(E.g., right to medical care, access to courts,

REPORT ATTACHED.

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

→ OVER WITH DEPUTY ROLENS THAT  
 THE THE NURSE CORD GOES IN.  
 THE BED OF PATIENT. PATIENT LAYING  
 ON HIS BACK CHAINED TO BED  
 AFTER INCIDENT IS OVER AND OCCURED.  
 DEPARTY WRITE UP A COVERED UP  
 REPORT TO HIDE THERE ACTION  
 AND THEY FORWARD INCIDENT TO  
 D.A. OFFICE. CASE WAS  
 "REJECTED. THEY NEVER  
 HAD A RULE VIOLATION HEARING NO  
 CONDUCT CREDIT LOSS. JUST PLACED  
 ME A HIGH RISK ESCAPE INMATE. ● LIED  
 ON ME AND CONTINUES TO ALLEGUE ALL MADE  
 UP LIES IN THERE COMPUTER. THEY ARE  
 D. Previous Lawsuits and Administrative Relief CORRUPT

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case?  Yes  No.

UCSD COPY OF MEDICAL REPORT 1 OF 3 2002

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

(b) Name of the court and docket number: \_\_\_\_\_

NA

(c) Disposition: [ For example, was the case dismissed, appealed, or still pending? ] \_\_\_\_\_

(d) Issues raised: \_\_\_\_\_

NA

(e) Approximate date case was filed: \_\_\_\_\_

(f) Approximate date of disposition: \_\_\_\_\_

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ?  Yes  No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

COUNTY CLAIMS OFFICE  
1600 Pacific Highway SD, CA 92101  
(619) 531-7021  
REPLY FROM COUNTY ATTACHED

(1-16-08) 12-20-08  
Having Nightmares. Double Vision  
FROM (2002) Incident  
THAT HAS OCCURRED 2-18-02  
1-16-08 Head Pain  
Nightmares  
Double Vision

**E. Request for Relief**

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s):

DOCTOR  
DAVIS  
ORDERED  
CLINIC  
VISIT.

**MEDICAL TREATMENT DENIED  
BY LICSD DOCTOR FOR CLINIC VISIT**

2. Damages in the sum of \$ 500,000.00
3. Punitive damages in the sum of \$ 500,000.00
4. Other:

DOCTOR GARY  
VILKE

1-14-08

**F. Demand for Jury Trial**

Plaintiff demands a trial by  Jury  Court. (Choose one.)

**G. Consent to Magistrate Judge Jurisdiction**

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

3-25-08  
Date

*Larry Willis Jr.*  
Signature of Plaintiff

1 PLEASE NOTE Incident Report FROM  
2 2002 OF FEB 18 incident # 21000411  
3 IS IMPORTANT. DISTRICT ATTORNEY OFFICE  
4 REJECTED THERE CLAIM. THERE ABUSIVE  
5 CONDUCT IS NEVER THERE FAULT. ~~THE~~ THERE  
6 INVESTIGATIONS ARE VOID BIAS. HOSPITAL  
7 ARM MEDICAL BAND MIX UP.  
8 CONTRIBUTED TO MY LEFT EYE FRACTURE.  
9 NIGHTMARES AND DOUBLEVISION IN EYE  
10 HAS OCCURED ON MORNING OF 1-16-08  
11 BURNING LEFT EYE HEAD PAIN.  
12 SINCE 2002 Incident I HAVE BEEN IN  
13 THERE ADSEG FOR THERE ATTACK ON ME.  
14 THEY ATTEMPTED TO BRAINWASH ME.  
15 2002 SENT TO PRISON ON COCAINE CHARGES  
16 2005 RETURNED TO SDCJ ON THE CHARGES  
17 HOUSED BACK IN ADSEG. 2007 PARDONED  
18 2007 REARRESTED. HOUSED BACK IN ADSEG.  
19 REFUSED CLINIC VISIT FOR EYE AND HEART.  
20 UCSDCMO CLAIMS IT'S NOT IMPORTANT. MY VISION

1    **V. After Complaint Is Filed**

2    You will be notified as soon as the court issues any order in your case. It is your  
 3    responsibility to keep the court informed of any changes of address to ensure you receive court  
 4    orders. Failure to so do may result in dismissal of your action.

5    **VI. Repeat Filers**

6    If you are seeking leave to proceed in forma pauperis and, while incarcerated or detained,  
 7    you have filed §§ 1983 actions on three or more prior occasions which were dismissed as  
 8    frivolous, malicious, or for failure to state a claim upon which relief may be granted, you may not  
 9    file a new §§ 1983 action unless you are under imminent danger of serious physical injury. 28  
 10   U.S.C.  
 11   §§ 1915(g).

12   **VII. Inquiries and Copying Requests**

13   Because of the large volume of cases filed by inmates in this court and very limited court  
 14   resources, the court can no longer answer questions concerning the status of your case or provide  
 15   copies of documents, except at a charge of fifty cents (\$0.50) per page. You must therefore keep  
 16   copies of all documents submitted to the court for your own records.

17   PETITIONER WILLIS HAS SORES  
 18   ON LEG FROM EITHER THE SHOES  
 19   ISSUED THAT ARE FULL OF BACTERIA  
 20   ARE THE DYE IN THE GREEN JUMP  
 21   SUIT. SEEN UCSD DERMATOLOGIST  
 22   IN 2006 RESULTS FROM SKIN  
 23   BIOPSY SHOWED TWO TYPES OF  
 24   SKIN DISEASE ONE WITH A UNKNOWN  
 25   CAUSE. THERE SHOE IS A SHOWER  
 26   SHOE WHICH MAKES MY SKIN ON MY LEG ITCH & SORES  
 27   BREAK OUT. SORES ON ELBOW ALSO



DISCHARGE SUMMARY  
02/23/02

PAGE: 1 OF 3

0807725

WILLIS, LEROY J

06/02/1958 83687731

Dictating Practitioner: Guillermo Castillo, M.D.  
Attending Physician: Kirsten L. Searfus, M.D.

Date of Admission: 02/16/2002  
Date of Discharge: 02/23/2002

DISCHARGE DIAGNOSES: (1) New onset congestive heart failure. (2) Hypertension. (3) Diagnosis of sarcoid. (4) Left orbital fracture. (5) Hypertension.

RESIDENT: Dr. Tanja Crockett

INTERN: Dr. Guillermo Castillo.

PRESENT ILLNESS: The patient is a 43-year-old male with a history of polysubstance abuse, who presented from jail with a one-month history of increasing dyspnea on exertion and chest pain while climbing stairs that resolves at rest. No previous history of myocardial infarction. Please see H&P for more details.

LABORATORY DATA/EKG/X-RAYS: The patient had a chest x-ray on February 16, 2002, which showed bilateral wing appearance of pulmonary opacities consistent with pulmonary edema, mildly enlarged cardiac silhouette, and bilateral hilar fullness, and subcarinal lymphadenopathy. On February 17, 2002, the patient had another chest x-ray which was unchanged from the study on February 16, 2002. CT scan on February 22, 2002, demonstrated a left inferior orbital fracture with entrapment of the inferior rectus muscle. This also showed a fracture of the medial wall of the left orbit and fluid in the maxillary and ethmoid sinuses. A MIBI on February 19, 2002, showed no areas suggesting any current ischemia but did show fixed inferior wall motion and absent wall motion to the distal inferior walls consistent with a prior myocardial infarction. This also showed a marked decrease in ejection fraction of 21% and global hypokinesis.

HOSPITAL COURSE: (1) Congestive heart failure: Chest x-ray was consistent with a congestive heart failure picture. The patient initially was ruled out for myocardial infarction with negative cardiac enzymes times three. We also sent out urine tox screen for possible toxic etiology of congestive heart failure which returned negative. Considering the patient's history of intravenous drug abuse, that was a reasonable concern. The patient was put on 20 mg p.o. q.day of Lasix initially and diuresed to -600 cc on the first night of admission. Lungs continued to sound wet and the patient was increased to 40 mg p.o. b.i.d. of Lasix on day number two.

By hospital day number three the patient had been diuresed to -3.2 liters and lung exam was much improved. The patient was 96% on room air through hospital stay. Chest x-ray on February 17, 2002, had no improvement from the previous study, though clinically the patient had been much more comfortable.

A MIBI on February 19, 2002, showed an ejection fraction of 21%, large



DISCHARGE SUMMARY  
02/23/02

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WILLIS LEROY J  
06/02/1958 83687731

heart size, and left inferior wall infarct, but no evidence of current ischemia.

Cardiology consult saw the patient and believed congestive heart failure likely to be secondary to sarcoid versus hypertension secondary to cocaine or amphetamines, and suggested blood pressure control with ACE inhibitor, carvedilol, and possibly steroids for his sarcoid etiology. They also suggested getting a biopsy of the mediastinal lymphadenopathy for definite diagnosis.

The patient was kept in house for cath biopsy on February 25, 2002, but the patient refused the procedure at the last minute. The patient was sent back to the custody of the sheriff's on February 25, 2002, on carvedilol, benazepril, and aspirin, and advised to follow up with Cardiology as soon as possible for the cath biopsy and definitive diagnosis.

(2) Sarcoid: The patient reported a diagnosis of sarcoid years in the past and chest x-ray did show perihilar lymphadenopathy. Cardiology believed his cardiac problems could be secondary to a sarcoid, but the patient refused biopsy for definitive diagnosis and therefore the patient could not be sent out on prednisone therapy. The patient did receive two days of 40 mg q.day of prednisone while in house, but as stated before, the patient was sent out without prednisone therapy because we could not get a definitive diagnosis of a sarcoid.

(3) Shortness of breath: The patient presented with complaints of increasing shortness of breath and chest x-ray was consistent with congestive heart failure, but focal infiltrate could not be ruled out. The patient was started on azithromycin on admission and finished a five-day course of azithromycin while in house. The patient initially on presentation was on 1 liter of O2 by nasal cannula, but over the first hospital night the patient was weaned to room air and remained above 93% on room air while in house. The patient was also given MDI therapy per RT protocol while in house but did not need any treatment while he was here. The patient was discharge in stable condition, in no acute distress, satting 96% on room air.

(4) Chest pain: The patient was ruled out for acute myocardial infarction with cardiac enzymes times three that were negative. EKG was within normal limits, but the patient was kept on Telemetry while in house. He did have self resolving runs of PVCs that were asymptomatic. Blood pressure was controlled on 10 mg q.day of carvedilol while in house and the patient remained cardiovascularly stable. The patient was also started on aspirin therapy at 325 mg q.day and 5 mg p.o. of benazepril per Cardiology recommendations. The patient did not have any chest pain while in house but was written for nitroglycerin 1 inch of the nitropaste q.8h p.r.n. chest pain.

(5) Left orbital fracture: On the second hospital day the patient was in an altercation with police officers regarding his room. The patient was struck in the left eye by an officer and the following morning during



DISCHARGE SUMMARY  
02/23/02

PAGE: 3 OF 3  
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WILLIS LEROY J  
06/02/1958 83687731

rounds complained of a swollen left eye and he was unable to open. The patient was sent to Ophthalmology for consultation on February 19, 2002, and did receive a head CT. Ophthalmology saw a nondisplaced left orbital fracture. The patient was followed by Ophthalmology while in house. Vision remained grossly intact and extraocular muscles were intact. Swelling decreased through his hospital stay and the patient was discharged with an improving left orbital fracture and one week followup with Ophthalmology.

DISCHARGE MEDICATIONS: Benazepril 20 mg p.o. q.day, carvedilol 6.25 mg p.o. b.i.d., aspirin 325 mg q.day, Bumex 1 mg p.o. q.a.m.

CONDITION ON DISCHARGE: Stable and improving condition.

DISCHARGE FOLLOWUP: Followup with Cardiology as soon as possible for cath, biopsy, and definitive diagnosis of the precipitating conditions for his congestive heart failure. He is also to follow up with Ophthalmology in one week for his orbital fracture.

DD: 04/09/2002 DT: 04/10/2002 1:03 P DocNo.: 367562  
GC/r10D100BD08.UCC

Referring Physician:  
NONE PER PATIENT

Primary Care Physician:  
NONE PER PATIENT

cc:

SIGNED 04/15/02 1305 BY GUILLERMO CASTILLO M.D.  
ELECTRONIC SIGNATURE DERIVED FROM A SINGLE CONTROLLED ACCESS PASSWORD



# County of San Diego

OFFICE OF COUNTY COUNSEL

CLAIMS AND INVESTIGATION DIVISION

1600 PACIFIC HIGHWAY, ROOM 355, SAN DIEGO, CALIFORNIA 92101-2469

February 20, 2008

Leroy Willis  
7770645  
P.O. Box 122952  
San Diego, California 92112

Re: Claimant: Leroy Willis  
County File Number: 020204  
Date of Incident: February 18, 2002

Dear Leroy Willis:

Please find enclosed the claim form received February 15, 2008. Please be advised that **final action was taken on your claim regarding this incident on June 18, 2002.** Attached is a copy of the rejection notice. No further action will be taken by this office regarding the claim including your new allegation of nightmares.

Sincerely,

Office of County Counsel  
Claims and Investigation Division  
(619) 531-4899



**CLAIM AGAINST THE COUNTY OF SAN DIEGO  
(FOR DAMAGES TO PERSONS OR PERSONAL PROPERTY)**

Received by \_\_\_\_\_ via  
 U. S. Mail   
 Inter-Office Mail   
 Over the Counter

County of San Diego  
 FEB 15 2008  
 County Counsel  
 Claims Section

File No.: \_\_\_\_\_

A claim must be filed with the Claims Division of the County of San Diego within 6 months after which the incident or event occurred. Be sure your claim is against the County of San Diego, not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be mailed or delivered to: *County of San Diego, Claims Division, 1600 Pacific Highway, Room 355, San Diego, CA 92101-2469, phone (619) 531-4899.*

**TO THE HONORABLE BOARD OF SUPERVISORS, The County of San Diego, California**

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. Name of Claimant: *Mr. Troy Willis*

Last Name

First Name

Middle Name

A. Address of Claimant: *P.O. Box 722952*

P.O. Box 722952

SD, CA 92112

Street Address

B. Home Phone No.: *498-8096*

Work Phone No.: *498-8096*

City

Zip

C. Birthdate: *02/21/1960*

D. Social Security No.: *Private*

E. Driver's License No.: *N5115247*

2. Name, telephone and post office address to which claimant desires notices to be sent if other than above: \_\_\_\_\_

3. Occurrence or event from which the claim arises: A. Date: *Feb-18-02*

B. Time: *AM*

C. Place (exact and specific location): *LICSD MEDICAL HOSPITAL SD, CA*

*FRACTURED EYE. X RAY CONCLUDED RESULTS*

D. Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary): *FRACTURED LEFT EYE BY DEPUTY*

*ANDERSON AND KATRA-BILL KOLLENDER FAILED TO*  
*PROPERLY TRAIN DEPUTY. LICSD FAILED TO PROTECT*  
*INMATE WILLIS. MEDICAL ID BAND MIXUP. NURSE CORDON MIX*

E. State how or wherein the County of San Diego or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury: *CP*

*BILL KOLLENDER FAILED*  
*TO TRAIN DEPUTYS CONCERNING MEDICAL*  
*INMATE ISSUES. LICSD CHIEF MEDICAL OFFICER FAILED*  
*TO TRAIN THESE EMPLOYEES. MEDICAL WRIST*  
*BAND MIXUP. WRONG NAME ON WRIST BAND OF OF PATIENT*  
*CD 1 (Rev. 6/91) IN THE ROOM WITH MR. WILLIS. BOTH PATIENTS HAD*  
*THE NAME OF TROY W. WILLIS ON THEIR WRIST IN ROOM*

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

## (a) PLAINTIFFS

Leroy Willis, Jr.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

FILING FEE PAID	
Yes	No
COPIES SENT TO	
Court	Phone

2008 MAY -9 PM 2:24  
Kolender, et al  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 MAY -9 PM 2:24  
Kolender, et al  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Leroy Willis, Jr.  
1173 Front Street  
San Diego, CA 92101  
BK# 7770645

## ATTORNEYS (IF KNOWN)

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT  
(For Diversity Cases Only))

Citizen of This State	<input type="checkbox"/> PT <input type="checkbox"/> DEF	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> PT <input type="checkbox"/> DEF
Citizen of Another State	<input type="checkbox"/> 1 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

## IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

## V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY		<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 871	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 660 Other	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> LABOR	<input type="checkbox"/> SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> PRISONER PETITIONS	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions

## VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding  2 Removal from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:  CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 DEMAND \$ Check YES only if demanded in complaint:  
JURY DEMAND:  YES  NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 5/9/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miller